City of Seattle
Gregory J. Nickels, Mayor

Department of Planning and Development
Diane M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2301339

Applicant Name: John Trieger of JT Architecture for Walton Group, LLC

Address of Proposal: 5922 California Avenue SW

SUMMARY OF PROPOSED ACTION

Master use permit to establish use for the future construction of a 12-unit townhouse project consisting of four, 3-story, 3-unit buildings with 16 parking spaces.

The following approvals are required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code (SMC)

Design Review, Chapter 23.41, Seattle Municipal Code (SMC) Development Standard Departures from the Land Use Code are requested as follows:

1. Structure depth – SMC 23.45.011
2. Front setback – SMC 23.45.014A
3. Side setback – SMC 23.45.014C

SEPA DETERMINATION: [ ] Exempt [X] DNS [ ] MDNS [ ] EIS

[X] DNS with conditions

[ ] DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity

The subject site is located mid-block on California Avenue SW between SW Juneau Street and SW Raymond Street at 5922 California Avenue SW. The site is located in a Lowrise 3 zone with a Residential Commercial overlay (L3/RC). The site has an area of 15,750 square feet and consists of two parcels developed with single family structures.

Surrounding property to the south, north and west is also zoned Lowrise 3 with a Residential Commercial overlay. Property to the east is zoned Single Family 5000 and developed with a Church on the northern end of the block and single family homes on the rest of the block. The immediate area is developed with a mixture of residential uses and small commercial uses. Many of the residential uses are large scale apartments which are non-conforming to the existing zoning. Surrounding blocks to the north and south along California Avenue SW are zoned Neighborhood Commercial.

An alley abuts the site on the east. California Avenue SW is fully improved with curb, gutter, sidewalk, roadway and street trees. On street parking is provided abutting the site. The street trees along this segment of street are very mature.

The topography of the site slopes up rapidly from the sidewalk by about 4 feet and plateaus to a fairly level surface at the existing building perimeter. Several mature evergreen trees exist on the site.

Project Description

The project is to construct four-3-story buildings with 3 townhouse units in each building. The average unit size will be 1,559 square feet and each building will have a footprint of 1800 square feet. The buildings are generally located in four quadrants with an auto court in the middle. A vehicle driveway from the alley will provide access to an auto court and to one-car attached garages for each unit. Four parking spaces directly off the alley will provide additional parking, so the total number of parking spaces provided will be 16. Pedestrian entries will be provided off the auto court and will have direct access to the street through the court.

The design features a more open auto court with minimal cantilevers and special paving to create a better atmosphere. The open space for each unit will be accessed directly from the living room and will be in the side setback for most units.

The primary finish materials consist of vertical cedar siding, horizontal hardy board siding and horizontal metal siding with composition roof.

Public Comment

Public notice was provided for an Early Design Guidance (EDG) Design Review meeting that was held by the West Seattle Design Review Board on April 22, 2004. No members of the public attended the EDG meeting.

Further notice and public comment opportunity was provided as required with the Master Use Permit application. No written comments were received during the Master Use Permit comment period that ended on August 11, 2004.

Public notice was provided for a Recommendation Design Review meeting that was held by the West Seattle Design Review Board on September 23, 2004. Two members of the public attended the recommendation meeting. They raised concerns and had questions regarding; the proposed project lighting, location and function of dumpster and the functionality of the auto court and garages.

ANALYSIS - DESIGN REVIEW

Early Design Guidance

PRIORITIES

The Design Review Board members provided the siting and design guidance described below after visiting the site, considering the analysis of the site and context provided by the proponents and hearing public comment. The Design Guidelines of highest priority to this project are identified by letter and number below. The Design Review program and City-wide Guidelines are described in more detail in the City of Seattle's "Design Review: Guidelines for Multifamily and Commercial Buildings".

A. Site Planning

A-1 Responding to Site Characteristics

The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

The Board asked for more information on the size, location and species of the conifer trees. They asked the architect to explore any options to save the existing trees and suggested, if the trees are to be removed, that more landscaping be provided to compensate for the lost tree canopy.

A-3 Entrances Visible from the Street

Entries should be clearly identifiable and visible from the street.

A-4 Human Activity

New development should be sited and designed to encourage human activity on the street.

A-6 Transition Between Residence and Street

For residential projects, the space between the building and the sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

The Board asked for streetscape perspectives or elevations at the next meeting to show how the entry into the auto court will be perceived. The Board wants to see a well defined and designed entry into the complex and has concerns that no actual unit entries will face the street. The architect needs to address these concerns by paying attention to the California Avenue streetscape and the creation of a good project identity from the street. It should be noted that the monorail is planned to operate along this section of California Avenue SW.

A-5 Respect for Adjacent Sites

Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

The Board was concerned about how the project would relate to the single family zoning and development to the east. In respect for the adjacent single family homes, the design must reflect sensitivity with respect to lighting, parking access and trash areas. Additional guidance regarding the single family zoning is provided under D-6.

A-7 Residential Open Space

Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

Providing generous and useable open space is a key design goal as stated by the architect and owner. In light of that, the Board expects the architect to provide clear landscape studies and plans depicting the character of the auto court, the private ground level open spaces, decks and balconies at the next meeting. The Board expects to see how the building elements and orientation of the buildings contribute towards maximizing opportunities for open space. This is particularly important in that a departure was discussed for structure depth, and it is important to clearly show how the departure could provide more opportunity and better placement of open space in the side setback areas. See C-3 and C-4 for additional guidance.

A-8 Parking and Vehicle Access

Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

C-2 Architectural Concept and Consistency.

Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.

The Board recognized there are some new projects in the neighborhood but this will be one of the only new projects on this side of the street. The Board indicated that this project needs to be a good example to the neighborhood since future development will take cues from the pattern or identity it establishes.

Creating a grand multipurpose courtyard that functions as the auto access, pedestrian entry court and provides open space is central to the design and must be exhibited in the overall architectural concept.

C-3 Human Scale

The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

C-4 Exterior Finish materials.

Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

Architectural details and elements, as well as finish materials need to be used to provide a comfortable setting for the courtyard, decrease the perception of height in the courtyard and provide clear boundaries between the pedestrian and car. For example, paving materials could be used to provide clear pedestrian pathways through the auto court.

D. Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances

Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.

See A-7

D-6 Screening of Dumpsters, Utilities and Service Areas.
Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

Trash receptacles must be screened and designed to decrease impacts from noise, odor and sight from adjacent neighboring properties.

D-7 Personal Safety and Security
Project design should consider opportunities for enhancing personal safety and security in the environment under review.

The architect must create spaces that are comfortable and safe for the residents. Well designed lighting should be utilized to create a safe and secure environment.

E. Landscaping

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites
Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

E-2 Landscaping to Enhance the Building and/or Site
Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

E-3 Landscape Design to Address Special Site Conditions
The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

See A-7.

Design Review Board Final Recommendations

The applicant applied for the MUP (Master Use Permit) on June 21, 2004. After initial DPD zoning and SEPA review, the West Seattle Design Review Board was reconvened on September 23, 2004 to review the project design and provide recommendations. The five Design Review Board members present considered the site and context, the previously identified design guideline priorities, and reviewed the drawings presented by the applicant.

The five Board Members present believed the architect responded to the guidance provided, appreciated the proposed concept for the project and recommended conditional approval.

The Board specifically asked the owner of the project whether the material palette could possibly change, and he responded that the palette would not change. The project will use cedar siding, metal siding and hardy board siding; however, the owner did state that the cedar siding is expensive and may

be reduced on the backside of the project. The owner stated that the color palette might change slightly and that the colors shown on renderings did not reflect actual color. For instance, the hardy board would likely be a richer, dark red than what is shown. The perspective views of the auto court show natural colored wood entry doors and garage doors. Deck and balcony railings are shown as dark colored metal.

The Board had concerns about the functionality of the garages in that they thought narrow garage doors could reduce the likelihood that the garages would be fully utilized for cars. They advised the owner and architect to use garage doors that are at least 9 feet wide.

The design of the auto court was given considerable design attention in an effort to create a more pedestrian and open feel. The court features a central "square" in the center of the auto court demarked by different paving material and flanked by seating steps and landscaping on either side. The "square" will receive light and air from 4 directions in that the interior setbacks are 15 feet in the east-west direction and 10 feet in the north-south direction. The auto court will also provide primary pedestrian entries into the units so these will be demarked by different paving material and include a small pedestal flanking the entry doors. The architect envisions the pedestals as a way for each resident to make their individual units different from others by plant material, art, etc. The auto court will also provide direct access to the sidewalk demarked by a gate and trellis on the west end. The plan departs from typical townhouse developments in that it minimizes the building cantilever into the auto court. The Board appreciated the auto court features, recognized that the departures helped to create this space and recommended approval of the departures.

The Board had concerns about the 6 foot high concrete wall proposed on the property line in that it did not complement the rockeries located on the abutting properties and will not express a welcoming street presence. The recommended conditions include several options to minimize the impact of the wall and make it more welcoming and complementary to the abutting rockeries.

Departure from Development Standards

The applicant requested departures from the following Land Use Code development standards:

Requirement	***Proposed***	***Board Recommendations***
SMC 23.45.011 Structure width and depth. Maximum building depth required is 65% of lot depth (97.5 feet.)	79% (118 feet)	• The Board **recommended approval** in that the project provides wider minimum side setbacks than required and reduces cantilever building into the auto court. The lot coverage proposed is 48% which is under the allowed by 2%.
SMC 23.45.014A Front Setback Required front setback-15 feet	10 feet	• The Board **recommended approval** in that a 10 foot setback does not conflict with the neighborhood pattern and it provides opportunity to provide more space in the middle of the site; thus creating an auto court that better meets the goal of the project.

Requirement	*Proposed*	*Board Recommendations*
SMC 23.45.014C Side Setback Required side setback-7 feet minimum, 12 feet average	9 minimum 11.5 average	• The Board **recommended approval** in that this departure is very minor in scope and the structure provides generous modulation and interest.

Recommended Conditions

1. To screen the headlights from cars parking in the alley spaces, the landscape plan must include dense vegetation and/or a solid fence (A-8, Parking and Vehicle Access)
2. To create a well-scaled wall at the property line, the plans need to be revised to show a maximum concrete wall height of 4 feet at the property line; or setback from the property line 3 feet for a wall height of 6 feet; or rockery (similarly angled to adjacent properties). (A-2, Streetscape Compatibility; A-6 Transition Between Residence and Street)
3. The primary finish materials presented must be used in the project. (cedar siding, hardy board and metal siding) (C-4, Exterior Finish Materials)

Director's Analysis

The Director concurs with the Design Review Board's determination to approve the proposed design with the above conditions. The Design Review Board's recommendation does not conflict with applicable regulatory requirements and law, is within the authority of the Board and is consistent with the design review guidelines.

DECISION - DESIGN REVIEW

The proposed design with departures is **CONDITIONALLY APPROVED**.

CONDITIONS

Design Review conditions are listed at the end of this report.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated June 21, 2004 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 23.05.665) discusses the relationship between the City's code/policies and environmental review. The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact; it shall be presumed that such regulations are adequate to achieve sufficient mitigation subject to some limitation". The Overview Policy in SMC 23.05.665 D1-7, states that in limited circumstances it may be appropriate to deny or mitigate a project based on adverse environmental impacts.

The policies for specific elements of the environment (SMC 25.05.675) describe the relationship with the Overview Policy and indicate when the Overview Policy is applicable. Not all elements of the environment are subject to the Overview Policy (e.g., Traffic and Transportation, Plants and Animals and Shadows on Open Spaces). A detailed discussion of some of the specific elements of the environment and potential impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected; temporary soil erosion; decreased air quality due to suspended particulates from demolition and building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City.

Most short-term impacts are expected to be minor. Compliance with the above applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment. However, impacts associated with air quality, traffic and noise warrant further discussion.

Air Quality

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality and will require permits for removal of asbestos or other hazardous substances during demolition. The applicant will likely perform an environmental site assessment to identify all hazardous materials requiring abatement, and is required to obtain permits from PSCAA to ensure proper handling and disposal of these materials. The permit standards and regulations administered by PSCAA will sufficiently mitigate any adverse impacts to air quality; therefore no further mitigation is recommended pursuant to SEPA 25.05.675A.

Noise

The project is expected to generate loud noise during demolition, grading and construction. These impacts would be especially adverse in the early morning, in the evening, and on weekends. Many of the surrounding properties are developed with residential uses and will be impacted by construction noise. Pursuant to SEPA authority, the applicant shall be required to limit periods of construction to between the hours of 7:30 a.m. and 6:00 p.m. during non-holiday weekdays. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

Transportation

Construction of the project will involve approximately 1,327 cubic yards of grading for the building foundation. This construction would take place over several weeks or months and generate approximately 132 truck trips if a single truck bed and 78 truck trips if a double truck bed were used.

The Street Use Code requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. The Code also requires truck-trailer or truck semi-trailer used for hauling to use major truck streets and take the most direct route to or from one of the major truck streets to the destination. The Street Use Code regulations adequately mitigate most adverse impacts associated with transportation construction impacts.

The vehicle trips generated from the construction of the project are not expected to generate a significant number of vehicle trips in the peak hours; therefore, are not expected to have an adverse impact on traffic conditions or reduce the level of service at nearby intersections. Thus no mitigation of construction traffic impacts under SEPA is necessary for this project.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased drainage/soil hazards; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on site detention of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term long term impacts, although some impacts warrant further discussion.

Height, Bulk and Scale

The proposed 3-story townhouse project will be located in a Lowrise 3 zone with a Residential Commercial overlay (L3/RC). Abutting property is zoned L-3/RC to the north, south and west and Single Family 5000 (SF5000) to the east. The site is not substantially higher in elevation to abutting properties and does not have any unusual or unique features that would exacerbate height, bulk and scale impacts. Property to the east, across the alley, is zoned SF5000 and developed with a church on the northern end of the block and single family homes on the rest of the block. The Land Use Code maximum height limit of 35 feet for buildings with a pitched roof is the same in SF5000 and L-3 zone. The project provides the required rear setback adjacent to the SF5000 zone.

The SEPA Height, Bulk and Scale Policy (Section 25.06.675.G., SMC) states that "*the height, bulk and scale of development projects should be reasonably compatible with the general character of*

development anticipated by the adopted Land Use Polices…for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning." In addition, the SEPA Height, Bulk and Scale Policy states that *"(a) project that is approved pursuant to the Design Review Process shall be presumed to comply with these Height, Bulk and Scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated."* The proposal was reviewed and approved through the Design Review process and conforms to the Citywide Design Guidelines. Side setback, structure depth and front setback departures are granted as described in the Design Review analysis.

The proposed project includes design features such as complex articulation and modulation that mitigate height, bulk and scale impacts. The side setback departure is for the average setback requirement and not the minimum setback. The minimum side setback of 7 feet is proposed to be exceeded by 2 feet in that the project proposes 9 foot minimum side setbacks. Design details, landscaping, colors and quality finish materials will also contribute towards mitigating the perception of height, bulk and scale in that these elements will break down the overall scale of the building. No further mitigation of height, bulk and scale impacts is warranted pursuant to SEPA policy (SMC 25.06.675.G.).

Historic Preservation

The project proposal involves demolition of two residential homes that were built in the 1920's. One of the homes seemed to represent a unique architectural style. Photographs and information about the buildings were forwarded to the Historic Preservation Office in the Department of Neighborhoods on September 17, 2004 to evaluate whether the homes met the standards for historically significant buildings. On September 23, 2004, a Landmarks Coordinator responded by letter that the buildings did not likely meet the standards for designation as landmarks; therefore, no SEPA conditions is warranted.

Traffic

The trips generated from the proposed building are not expected to have a significant adverse impact on traffic conditions or reduce the level of service at nearby intersections. The project consists of residential dwelling units which only minimally contribute towards peak hour vehicle trips; therefore, no SEPA conditioning is necessary.

Parking

The proposed project will provide parking for 16 vehicles by providing 12 one-car garages for each unit and 4 angled parking spaces off the alley. The provided parking is expected to meet parking demand most of the time; although, it is recognized that street parking would be needed to meet demand on an intermittent basis. Street parking in the area is expected to easily accommodate the spillover parking demands and no SEPA conditioning is necessary.

Other Impacts

The other impacts such as but not limited to, increased ambient noise, and increased demand on public services and utilities are mitigated by codes and are not sufficiently adverse to warrant further mitigation by condition.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS - DESIGN REVIEW

Prior to Issuance of Master Use Permit

Revise the MUP drawings to document compliance with the following;

1. To screen the headlights from cars parking in the alley spaces, the landscape plan must include dense vegetation and/or a solid fence (A-8, Parking and Vehicle Access)
2. To create a well-scaled wall at the property line, the plans need to be revised to show a maximum concrete wall height of 4 feet at the property line; or setback from the property line 3 feet for a wall height of 6 feet; or rockery (similarly angled to adjacent properties). (A-2, Streetscape Compatibility; A-6 Transition Between Residence and Street)
3. The primary finish materials presented must be used in the project. (cedar siding, hardy board and metal siding) (C-4, Exterior Finish Materials)

Prior to the Final Certificate of Occupancy

1. Install the features described in numbers 1, 2 and 3 above.

NON-APPEALABLE CONDITIONS - DESIGN REVIEW

Prior to Issuance of the Master Use Permit and Building Permit Issuance

1. The owner or responsible party shall embed into the updated MUP plans the 11x 17 inch version of the September 23, 2004 colored presentation drawings and embed these into the building permit set.

During construction

2. All changes to approved plans with respect to the exterior façade of the building and landscaping on site and in the right of way must be reviewed by a Land Use Planner prior to proceeding with any proposed changes.

Prior to Issuance of Certificate of Occupancy

3. Compliance with the approved design features and elements, including exterior materials, roof pitches, façade colors, landscaping and right of way improvements, shall be verified by the DPD Land Use Planner assigned to this project (Jess Harris- 206-684-7744) or by a Land Use Planner Supervisor (Cheryl Waldman- 206-233-3861). Inspection appointments must be made at least 3 working days in advance of the inspection.

CONDITIONS SEPA

Prior to Issuance of Master Use Permit

The owner(s) and/or responsible party(s) shall:

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. The hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

Signature: (signature on file) Date: March 10, 2005
Jess E. Harris, AICP, Senior Land Use Planner

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